

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEXTER DEAN BARBER,

Petitioner,

v.

Case No. 16-10505
HON. TERRENCE G. BERG

JESSE MORALES, et al.,

Respondent.

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OPINION AND ORDER OF SUMMARY DISMISSAL

Before the Court is Plaintiff Dexter Dean Barber's *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983. Having reviewed Plaintiff's complaint, the Court dismisses it with prejudice for being frivolous and for failing to state a claim upon which relief can be granted.

I. STANDARD OF REVIEW

Plaintiff has been allowed to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a) *McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997). However:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

(B) the action or appeal:

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seek monetary relief against a defendant who is immune from such relief.

28 U.S.C. § 1915(e)(2)(B). A complaint is frivolous if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *see also Denton v. Hernandez*, 504 U.S. 25, 31 (1992). *Sua sponte* dismissal is appropriate if the complaint lacks an arguable basis when filed. *McGore*, 114 F.3d at 612; *Goodell v. Anthony*, 157 F. Supp. 2d 796, 799 (E.D. Mich. 2001).

II. DISCUSSION

Plaintiff's complaint is incoherent and illegible. It consists of fragments of sentences and scribblings that do not contain any words. The Court is unable to decipher any viable claim from the face of the complaint. Consequently, the complaint is subject to dismissal for being frivolous. *See, e.g. Triplett v. Triplett*, 166 Fed. App'x 338, 339-40 (10th Cir. 2006). Although a *pro se* complaint should be liberally construed, this does not require the Court to sustain a *pro se* complaint that is incoherent and unreadable. *See Barsella v. United States*, 135 F.R.D. 64, 66 (S.D.N.Y. 1991).

III. ORDER

Accordingly, it is ordered that the complaint is dismissed with prejudice as being frivolous and for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B). Because the complaint is not a coherent statement that can be understood in any way, this Court also certifies that any appeal by Plaintiff would be frivolous and lack good faith. 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Davis v. Michigan*

Department of Corrections, 746 F. Supp. 662, 667 (E.D. Mich. 1990).

SO ORDERED.

Dated: May 6, 2016

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on May 6, 2016, using the CM/ECF system; a copy of this Order was also mailed to the Forensic Psychiatry Center, 8303 Platt Road, Saline, Michigan, 48176 directed to Petitioner's attention.

s/A. Chubb
Case Manager